



## **Town Council Regular Meeting - September 23, 2024 Minutes**

Monday, September 23, 2024 at 6:00 PM

Town Council Chambers, Town Hall

### **1. Call to Order**

Roll Call -Mayor Patrick Fitzsimmons, Vice Mayor John Chase and Council members Doug Jackson, Catherine Cordell, Michele Wood, Peter McGuire and Dee Lawrence  
Staff members present: Interim Town Manager Scottie Harris, Town Attorney Jennifer Jackson, Finance Director Tonya Dozier, Planning Director James Eller, Town Clerk Tamara Mercer, Police Chief Somer Oberlin, Assistant Fire Chief Michael Hunter, Public Works Director Dale Pennell, Water Plant Supervisor Randall Wilson, Recreation Coordinator Sarah Myers, and A/V Coordinator Lauren Ward

### **2. Approval/Adjustments to the Agenda**

Attorney Jackson requested that the closed session item also include N.C. Gen. Stat. § 143-318.11(a)(5) to establish the position to be taken by the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract, and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or employment of an individual public officer or employee.

Additionally, to include consideration of an appointment of a Town Attorney and legal services agreement following the Closed Session.

*Motion to approve and adopt the adjusted agenda.*

*Moved by: John Chase*

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0.**

**3. Conflict of Interests Statement**

Mayor Fitzsimmons stated that it is the duty of the Mayor and every Town Councilmember to avoid both conflicts of interest and appearances of conflicts. No member had any known conflict of interest or appearance of conflict with respect to any matters on the agenda for tonight’s Town Council meeting.

**4. Employee Recognition**

Interim Town Manager Harris presented certificates of recognition to employees for outstanding contributions and dedication to the Town and community of Weaverville. Certificates awarded to Public Works Department employees Tyler Fox and Darryl Diemer for exemplary service acting quickly and assisting at the scene of a vehicle crash beyond the call of duty.

Finance Administration Department employees Cassidy Holcombe, Morgan Worley, and Morgan Sprinkles in serving the public at Town Hall performing exemplary services and outstanding contribution to the quality of life to the community of Weaverville.

**5. Consent Agenda**

Acting Town Manager Harris reviewed the following consent agenda items:

- 4.1 Minutes of 8/20/2024 Joint Workshop Meeting of Town Council and Planning Board
- 4.2 Minutes of 8/26/2024 Town Council Regular Meeting
- 4.3 Monthly Tax Report, Refunds/Releases
- 4.4 Budget Amendment- Water
- 4.5 Resolution Establishing Fund Balance Policy
- 4.6 Resolution Amending Town's Personnel Policy
- 4.7 Water Treatment Plant Expansion- Engineering Agreement Amendment
- 4.8 Resolution Authorizing Acceptance of \$14.775 Million Direct Appropriations Grant from 2023 Appropriations Act

4.9 Proclamation Supporting Red Ribbon Month

*Motion to approve and adopt the Consent Agenda Items as presented.*

*Moved by:* Doug Jackson

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

**6. General Public Comments**

Mary Hilton who resides in Weaverville town limits and spoke in support of the pickleball courts.

Inger Stallman Jorgenson who resides in Weaverville town limits and spoke in support of the outdoor recreation programs and pickleball courts.

Jeff McKenna who resides in Weaverville town limits and spoke in support of the outdoor recreation center, noting that he worked on the committee which conducted two years of public input sessions, gaging whether to return to the previously installed swimming pool, basketball or tennis courts or pickleball courts. It was determined to install the pickleball courts by Town Council.

Darla Letourneau who resides in Weaverville town limits agreed with the previous citizens, but she addressed the Town Manager position process and requested information and citizens' input on the hiring decision.

Ellen Boyd a Buncombe County resident addressed the Parker Cove Road annexation case request. She said the zoning is currently R-1 under Buncombe County zoning. Ms. Boyd objects to the proposed 45 dwellings adjacent to her property.

Vicki Merrill who resides in Weaverville town limits addressed the problem of the invasive Kuzu vines and harming native plants. She suggested solutions working with volunteers and the town.

Mary Brickman addressed the Community Center hours and was opposed to the limited hours at the pickleball courts. She presented a document regarding pickleball courts.

On-line submitted public comments received:

Michelle Platt submitted a complaint regarding the pickleball court noise.

Michael Stuart in opposition of the operation of the pickleball courts and noise complaint.

William Djang in opposition of the Eller Cove Watershed trail project.

## **7. Interim Town Manager's Report**

Manager Harris reviewed project updates, status and communications, and upcoming events calendar.

- Fire Station Solar Panel Project
- Police Department EV Fast Charging system
- Police Department Civilian Crash Investigator program
- Weaverville Business Association partnerships (WBA)
- North Buncombe High School Homecoming Parade
- HR Outsourcing Audit Update
- Community Center and Outdoor Recreation Complex
- Water Treatment Plant
- Public Works Sanitation Procedures
- SkyRunner WiFi Downtown Data Usage
- Planning and Zoning Department
- Growth and Succession Planning
- Transparency of Govt New Website Portal

In response to Council member Jackson's inquiry, Chief Oberlin briefly reviewed what a 'civilian crash investigator' is and noted that the program is more beneficial to larger cities in comparison smaller jurisdictions such as Weaverville.

## **8. Discussion & Action Items**

### **8.1 Annexation Petition/Conditional District Request - +/- 8.80 Acres at 21 Parker Cove Road, Annexation No. 2024-4.**

Planning Director Eller reviewed the voluntary annexation petition and conditional district request received for 21 Parker Cove Road. The purpose of the annexation appears to be to obtain Town services, including water, to support a proposed development of a single-family subdivision with 45 residential units. A conditional district zoning request has been submitted along with the petition for annexation.

The next steps if Council wishes to proceed, would direct the Town Clerk to investigate the sufficiency of the annexation petition and to

send the conditional district application to the Planning Board for review and a recommendation.

In response to Council member Wood's question regarding acreage and project density in a possible flood zone, Mr. Eller said the flood plain regulations apply per the Buncombe County Inspections office; the applicant must comply with the zoning regulations.

There was further discussion of the affordable housing in the residential neighborhood.

*Motion to approve and adopt the Resolution Concerning Voluntary Annexation Petition for approximately 8.80 acres located at 21 Parker Cove Road, Annex. No. 2024-4.*

*Moved by:* Catherine Cordell

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

## 8.2 **Eller Cove Watershed/ Weaverville Watershed Trails Project**

Attorney Jackson reviewed and summarized the project as submitted to the Buncombe County Passive Recreation Lands and Open Space Bond. The action that the Committee took did not recommend funding for the Town's Watershed Trails Project at this time. They expressed a willingness to reconsider that position if the Town undertakes, at Town expense, the following: "a design & engineering process, parking/access planning, vetting options, and community engagement." These steps will require additional intensive staff resources and outside consultants that could cost upwards of \$50,000, which is not currently budgeted and would only give the Town a chance at a funding recommendation. Staff does not recommend that further Town staff time or financial resources be dedicated to this project. Those resources could be used on projects that are more directly impactful to the Town and its residents. Therefore, staff's work on this project is at an end unless Town Council wishes to pursue these required actions or some other different approach to the ownership, maintenance, and improvement of this property. Town staff will also be considering options to better

protect the property from the trespassing that is actively occurring on the property, including by some neighboring property owners.

Town staff, many Town residents, and various community organizations remain in support of this project, but there is a recognition that these trails would be available to the greater Buncombe County community and may be more suitable as a County project. One option is to work with Buncombe County on the donation of this property to the County so that Buncombe County could develop and manage this trails project.

Further Town Council discussion ensued regarding the goals of Council and community project support of the trails and park system, incurring further costs of \$50,000 to bring it back before the sub-committee, and/or working with the County in a long-term lease. The grant funding is earmarked to be spent by 2030 noted Ms. Myers.

*Motion to work with Buncombe County for the Eller Cove Trails Project and for the Mayor and Vice Mayor, with staff support, to collaborate with the County elected officials on this property and potential park.*

*Moved by:* Doug Jackson

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

### 8.3 **Stormwater Program - Update and Budget Amendment**

Attorney Jackson reviewed the program working with the Land of Sky for support services and supplement and coordinate with Land of Sky to address post construction site runoff.

It is recommended the Town engage Land of Sky Regional Council for additional support of its Stormwater Program, including specifically the Post-Construction Site Runoff Component that involves the Buncombe County Stormwater Office. A budget amendment in the amount of \$8,000 is needed for these additional services in this fiscal year.

*Motion to approve the budget amendment for stormwater management professional services in the amount of \$8,000.*

*Moved by:* John Chase

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

**8.4 Water System Improvements - Updates and Action**

Public Works Director Pennell stated that in January of 2024, Town Council added a sludge dewatering and automation process to the plans for the Water Treatment Plant Expansion. WithersRavenel has been working on incorporating those elements into the final design of the project. This additional engineering work is \$62,700 and an amendment to the engineering agreement is needed to continue.

*Motion to approve the WithersRavenel Engineering Agreement for the Water Treatment Plant Expansion Project.*

*Moved by: Catherine Cordell*

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

**8.5 Quarterly Report - Public Works and Water**

Mr. Pennell reviewed the Public Works report which provided the detailed water activity usage and costs to replace the water meters, the sanitation collection procedures, the yard waste collection process using the new grapple truck, and the Public Works report provided to the Tree Board wherein Public Works Department has planted over 1,200 trees in the Town since 2018 and being certified as Tree City USA by the Arbor Day Foundation.

**9. Closed Session**

*Motion into Closed Session at 7:25 p.m. pursuant to:*

*NCGS 132-318.11(a)(3) - to consult an attorney employed or retained by the governing body in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure;*

*NC GS 132-318.11 (a) (5) - to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract;*

*NC GS 132-318.11 (a) (6) - to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

*Moved by: John Chase*

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

[CLOSED SESSION]

*Moved at 7:55 p.m. to re-enter open session.*

*Moved by: John Chase*

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

## **10. Discussion & Action Items**

### **10.1 Job Posting/Hiring Process - Town Manager**

Mayor Fitzsimmons requested a motion to address the personnel matters.

*Motion to engage the professional personnel placement services of Steve Straus and Developmental Associates for the process of hiring a Town Manager.*

*Moved by: John Chase*

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**



10.2 **Town Attorney**

Mayor Fitzsimmons asked if there was a motion to address the attorney services.

*Motion to engage Campbell Shatley and accept their proposal for legal services and to specifically appoint John Henning as Town Attorney effective October 1, 2024.*

*Moved by:* Peter McGuire

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

**11. Adjournment**

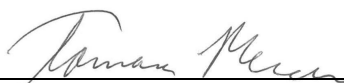
There being no further business, Mayor Fitzsimmons requested a motion to adjourn.

*Motion to Adjourn at 7:59 p.m.*

*Moved by:* Catherine Cordell

**Aye** Patrick Fitzsimmons, John Chase, Doug Jackson, Catherine Cordell, Dee Lawrence, Michele Wood, and Peter McGuire

**Carried 7-0**

  
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Tamara Mercer, Town Clerk

  
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Patrick Fitzsimmons, Mayor